

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF ARIZONA**

8 Benton Gene Baskin,  
9 Plaintiff  
10 -vs-  
11 Todd Thomas, et al.,  
12 Defendants.

CV-21-1890-PHX-SPL (JFM)

**Order**

13 **NOTICE - WARNING TO PLAINTIFF** – Defendants Diaz and Giaboian have  
14 filed a Motion to Dismiss or in the Alternative Transfer (Doc. 21), supported by a separate  
15 Memorandum in Support (Doc. 22). That motion to dismiss seeks in part to have your  
16 case dismissed. The motion will, if granted, end your case, or at least portions of your  
17 case. Plaintiff is advised of the following specific provisions of Local Civil Rule 7.2,  
18 Rules of Practice of the United States District Court for the District of Arizona:

19 **(e) Length of Motions and Memoranda.** Unless otherwise  
20 permitted by the Court, a motion including its supporting  
21 memorandum, and the response including its supporting  
22 memorandum, each shall not exceed seventeen (17) pages, exclusive  
23 of attachments and any required statement of facts. Unless otherwise  
24 permitted by the Court, a reply including its supporting memorandum  
25 shall not exceed eleven (11) pages, exclusive of attachments.  
26 Attachments shall exclude materials extraneous to genuine issues of  
27 material fact or law.

\* \* \*

28 **(i) Briefs or Memoranda of Law; Effect of Non-Compliance.** If  
a motion does not conform in all substantial respects with the  
requirements of this Local Rule, or if the unrepresented party or  
counsel does not serve and file the required answering memoranda,  
or if the unrepresented party or counsel fails to appear at the time and  
place assigned for oral argument, such non-compliance may be  
deemed a consent to the denial or granting of the motion and the  
Court may dispose of the motion summarily.

You must timely respond to all motions. The Court may, in its discretion, treat your  
failure to respond to the Motion to Dismiss as a consent to the granting of that Motion

1 without further notice, and judgment may be entered dismissing this action without  
2 prejudice pursuant to Rule 7.2(i) of the Local Rules of Civil Procedure. *See Brydges v.*  
3 *Lewis*, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

4 Because the motion relies in part on a lack of personal jurisdiction, the expanded  
5 deadlines for motions for summary judgment apply. *See* LRCiv 12.1(b).

6 **IT IS THEREFORE ORDERED that:**


7 1. **Response** - Plaintiff has through **February 6, 2023** to respond to Defendant  
8 Diaz and Giaboian's Motion to Dismiss or in the Alternative Transfer, filed January 3,  
9 2023 (Doc. 21).

10 2. **Reply** - Defendants have fifteen days from service of the response to file a reply.

11 3. **Consideration of Motion** - The Motion to Dismiss will be deemed ready for  
12 decision without oral argument on the day following the date set for filing a reply unless  
13 otherwise ordered by the Court.

14 Dated: January 4, 2023

15 21-1890o Order 23 01 04 re Sched on MTD MTransfer.docx

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
James F. Metcalf  
United States Magistrate Judge